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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,780	01/20/2004	Yasunori Sasaki	ALPSP141	3522
22434	7590	06/30/2005	EXAMINER	
BEYER WEAVER & THOMAS LLP			KLAUS, LISA NHUNG	
P.O. BOX 70250			ART UNIT	PAPER NUMBER
OAKLAND, CA 94612-0250			2832	

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SV

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/761,780	SASAKI, YASUNORI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Lisa N. Klaus	2832	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 May 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 3-7 is/are allowed.
- 6) ☐ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The phrase: "the cam follower is formed of a plastomer whose elasticity is lower than that of the elastomer" lacks written description.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nation et al. (US 4,891,476) in view of Latwesen et al. (US 6,525,284).

Nation discloses an index rotary switch comprising:

- a housing 16 arranged in a hollow structure and having a guide portion formed on an inner surface;

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- an actuation body 22 which is moved in an axial direction by being guided by the guide portion and to which a first latchet tooth is formed so as to extend in a circumferential direction;

- a cam follower 24 which is disposed in the housing 16 so as to rotate as well as to move in an axial direction and to which a second latchet tooth is formed so as to be engaged with the first latchet tooth;

- a return spring 26 for elastically urging the cam follower 24 in the axial direction so that the first latchet tooth is engaged with the second latchet tooth;

- a rotatable actuating member 28 spline coupled with the cam follower 24;

- a contact element switching mechanism (figure 1), actuated by the rotation of the actuating member 28.

- Regarding claim 1, Nation does not disclose the actuation body and cam follower formed of an elastomer or plastomer.

Latwesen discloses a switching device comprising:

- the actuation body 1 and the cam follower 4b are formed of an elastomer (see col. 8, lines 1-8);

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the actuation body and the cam follower formed of elastomer or plastomer as taught by Latwesen with Nation's switch for the purpose of preventing the switch device from damage or destruction since elastomer is elastic, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

***Response to Arguments***

3. Applicant's arguments filed on 5/9/2005 have been fully considered but they are not persuasive.

- Page 7 , lines 1-3, applicant argues that Latwesen patent fails to suggest the cam follower is formed of a plastomer whose elasticity is *lower* than that of the elastomer, as claimed. This argument is not found to be persuasive because the phrase "the cam follower is formed of a plastomer whose elasticity is *lower* than that of the elastomer" is not described in the specification.

***Allowable Subject Matter***

4. Claims 3-7 are allowed.

The following is an examiner's statement of reasons for allowance:

The prior art does not teach or suggest the extreme ends of the tooth portions of one of the first and second latchet teeth are formed in an arc shape; a push switch device comprising the cam follower hold one end of the elastic member and is formed of synthetic resin, and wherein the contact element switching mechanism is actuated when the actuating member rotates to cause a movable contact element to slide on a stationary contact element.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication should be directed to Lisa Nhung Klaus whose telephone number is (571)272-1993, and whose fax number is 703-872-9306. In the event that I am not reached, you can contact my supervisor, Mr. Elvin G. Enad at (571)272-1990 or the tech center receptionist at (703) 308-1782.

Lisa Nhung Klaus

Patent Examiner - Art Unit 2832

June 24, 2005

  
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